

SEALED

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR AN ORDER
AUTHORIZING THE INSTALLATION AND
USE OF A POLE CAMERA NEEDED FOR A
CRIMINAL INVESTIGATION

CASE NO. 5:21-SW-00107 JLT

~~[PROPOSED]~~ ORDER

UNDER SEAL

ORDER

This matter comes before the Court pursuant to the application of the United States, under the All Writs Act, Title 28, United States Code, Section 1651(a), requesting an Order be issued:

1. Authorizing the continued installation, maintenance and use of video equipment on a utility pole. The utility pole is located near the intersection of Madison Street and Del Mar Drive, in Bakersfield, California. The utility pole has pole numbers: 4227 and 110420414 displayed. The utility pole has a view of Madison Street, north of Del Mar Drive, a front view of **1122 Madison Street, Bakersfield, California (Location #2)**, the south fence line/gate of **Location #2**. The utility pole is owned by PG&E and is located on the property owned by the city of Bakersfield. The pole camera shall be used to conduct and record visual surveillance of activities along the public thoroughfare and the exterior (the latter meaning areas that can be observed by normal surveillance from a public vantage point) of the surrounding area for a period of 90 days.

2. Directing PG&E and the city of Bakersfield to furnish agents of HSI and the Drug Enforcement Agency (DEA) forth with all of the information, facilities and technical assistance

1 necessary to accomplish the installation, maintenance and use of the video equipment. The Court finds
2 that the United States has offered specific and articulable facts showing that there are reasonable
3 grounds to believe that the information likely to be obtained by the installation and use of the requested
4 video equipment relevant and material to an ongoing criminal investigation by HSI, in conjunction with
5 the DEA and the Kern County Sherriff's Office (KCSO) (collectively, the "Investigating Agencies"),
6 and others in connection with various offenses in violation of Title 21, United States Code, Sections 841
7 and 846. Accordingly:

8 IT IS HEREBY ORDERED, pursuant to 28 United States Code, Section 1651(a), that the
9 Investigating Agencies are authorized to install, maintain, and use the requested video equipment on the
10 aforementioned utility pole to conduct surveillance of the public thoroughfare and the exterior of the
11 surrounding area of the **Location #2**, in Bakersfield, California, for a period of 90 days;

12 IT IS FURTHER ORDERED, that PG&E and the city of Bakersfield shall provide the
13 Investigating Agencies forthwith with all of the information, facilities and technical assistance necessary
14 to accomplish the installation, maintenance, and use of the video equipment with a minimum of
15 interference with services presently provided by means of the utility pole; and


16 IT IS FURTHER ORDERED, that PG&E and the city of Bakersfield shall be compensated by
17 the HSI for reasonable expenses incurred in providing technical assistance; and

18 IT IS FURTHER ORDERED that in the event that the city of Bakersfield and/or PG&E objects
19 to this Order, it shall have the right to apply forthwith to the Court ex parte for whatever relief or
20 modification it deems essential under the Order and its obligation to comply with this Order shall be
21 stayed until the Court rules on any such objection; and

22 IT IS FURTHER ORDERED that this Order and the Application be filed and maintained
23 UNDER SEAL until further order of the Court, and that PG&E, the city of Bakersfield, and their agents
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1 and employees, shall not disclose to any other person the existence of this Order, the Application, the
2 camera or this investigation, unless and until otherwise ordered by the Court.
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4 Dated: October 8, 2021
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6 The Honorable Jennifer L. Thurston
7 Chief United States Magistrate Judge
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